



BAKER BOTTS LLP

11/17/04

DAE #

H27

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

A32636 072708.0116

First named inventor: COHEN, Wayne

Application No.: 09/393,473

Art Unit: 2837

Filed: September 10, 1999

Examiner: Hsieh

Title: MARACA WITH FLEXIBLE HANDLE

Attention: Office of Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of submission of formal drawings (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

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OFFICE OF PETITIONS

3. Terminal disclaimer with disclaimer fee

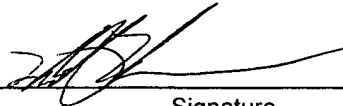
- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

November 16, 2004

Date



Signature

Telephone

Number: 212 408-2500

Michael J. McNamara (Reg. No. 52,017)

Typed or printed name

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: 3 Sheets of Formal Drawings

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

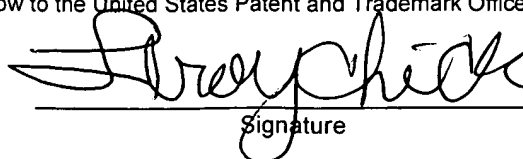
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

November 16, 2004

Date



Signature

Leroy Chick

Type or printed name of person signing certificate



File No. A32636 (072708.0116)
PETITION TO REVIVE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

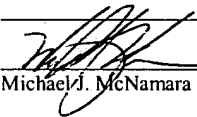
Applicant : COHEN, Wayne
Serial No. : 09/393,473 Examiner : Hsieh
Filed : September 10, 1999 Group Art Unit: 2837
For MARACA WITH FLEXIBLE HANDLE

**PETITION TO REVIVE APPLICATION
PURSUANT TO 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope with Label No.: **ED 291599635 US** in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450 on

November 16, 2004


Michael J. McNamara (Reg. No. 52,017)

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Sir:

Applicant respectfully petitions to revive the above-captioned application in accordance with the provisions of 35 U.S.C. §41(a)(7).

The above-captioned application was the subject of a Notice of Allowance and Fee(s) Due mailed to Baker Botts on March 18, 2004. The due date for filing the Issue Fee was June 18, 2004. The issue fee was paid on April 22, 2004. A Notice of Allowability was also included in the March 18, 2004 mailing. The Notice of Allowability requested corrected drawings. The application became abandoned when the corrected drawings were not received by the Patent Office by the date set forth in the Notice of Allowability. Applicant hereby avers that this delay

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in providing the corrected drawings was entirely unintentional. This unintentional error passed unnoticed until November 8, 2004, which was after the due date of the Issue Fee. Applicant respectfully requests that this promptly-filed Petition to Revive Application be granted and that the above-captioned application be allowed to issue upon payment of the required fees.

Enclosed is a check in the amount of \$665.00 for the fee for this Petition as required under 37 C.F.R. § 1.17(m). The Commissioner for Patents is hereby authorized to charge payment of any other fees associated with this communication to Deposit Account No. 02-4377.

Applicant respectfully requests that the Commissioner for Patents grant this Petition to Revive Application and issue the above-captioned application.

Respectfully submitted,

BAKER BOTTS, LLP.



Michael J. McNamara
Patent Office Reg. No. 52,017

Attorneys for Applicants
(212) 408-2646



A32636-072708.0116]
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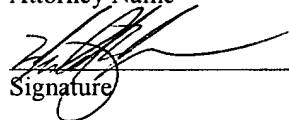
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : COHEN, Wayne
Serial No. : 09/393,473
Filed : Herewith
For : MARACA WITH FLEXIBLE HANDLE
Examiner : Hsieh
Art Unit : 2837

I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail in an envelope with Label No.: **ED 291599635 US**, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

November 16, 2004
Date of Deposit

Michael J. McNamara
Attorney Name


Signature

52,017
PTO Reg. No.

November 16, 2004
Date of Signature

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWING(S)

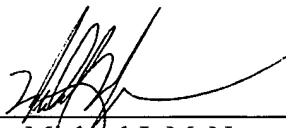
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SIR:

Enclosed herewith are three (3) sheets of formal drawings (i.e., FIGS. 1-3) to substitute original FIGS. 1-3 of the above-identified application. The enclosed formal drawings fully comply with the requirements of 37 C.F.R. § 1.84(a).

Respectfully submitted,

Dated: November 16, 2004

By: 

Michael J. McNamara
Registration No. 52,017

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